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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,836	08/05/2004	M. Brandon Steele	023228-0115	4835
27433	7590	05/18/2006	EXAMINER	
FOLEY & LARDNER LLP 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60610-4764			WALLING, MEAGAN S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

10/710,836

Examiner

Meagan S. Walling

Applicant(s)

STEELE ET AL.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/05/04 application.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Martin on November 9, 2005.

The application has been amended as follows:

In claim 1, please replace the preamble preceding the phrase "comprising the steps of:" with "A method of inspecting a sample's surface with an inspection system,".

In claim 2, please replace "The method of inspecting a sample's surface further comprising" with "The method of inspecting a sample's surface of Claim 1 further comprising".

### ***Allowable Subject Matter***

Claims 1-24 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claim 1 is the inclusion of the limitation of providing a non-vibrating contact potential probe; scanning the sample's surface with the non-vibrating contact potential probe by causing relative motion between the non-vibrating contact potential probe and the sample's surface; measuring contact potential difference between the sample's surface and the non-contact potential probe; generating a first signal portion

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characteristic of a topographical feature of the sample's surface and further having a second signal portion representing chemical features of the sample's surface. It is this limitation in the claimed combination that has not been found, taught, or suggested by the prior art of record that makes these claims allowable.

The primary reason for the allowance of claim 20 is the inclusion of the limitation of a non-vibrating contact potential difference sensor; a mechanism for causing relative motion between the sample and the non-vibrating contact potential-difference sensor; a mechanism for measuring contact potential difference between the sample and the non-vibrating contact potential probe; a generated signal representing the contact potential difference; and a generated bias voltage applied to a portion of the system chosen from the group consisting of the sample, the non-vibrating contact potential probe, and combinations thereof. It is this limitation in the claimed combination that has not been found, taught, or suggested by the prior art of record that makes these claims allowable.

The primary reason for the allowance of claim 24 is the inclusion of the limitation of a non-vibrating contact potential difference sensor; a chuck for rotating the sample about a central axis; the chuck having a variable speed control mechanism for changing rotational velocity in proportion with the motion of the probe to provide the probe with substantially even data density; and a source of data representing a contact potential difference between the non-vibrating contact potential difference sensor and the surface of the sample. It is this limitation in the claimed combination that has not been found, taught, or suggested by the prior art of record that makes these claims allowable.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ma et al. (US 6,011,404) teaches a system for and method of determining a non-contact, near-surface generation and recombination lifetimes and near-surface doping of a semiconductor material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800